

REMARKS

In the present Office Action, claims 1-16, were pending before the Office. Of these, claims 1, 6, 10, and 12 were the only independent claims.

Claim 13 was objected to due to an informality. Claims 1-4, 6-10, 12, 35-37, and 41 were rejected under 35 U.S.C. § 103. Claims 5, 11, 13-15 were objected to as being dependent upon a rejected base claim.

No claims are hereby added, amended, canceled or withdrawn.

A. CLAIM OBJECTION OF CLAIM 13

Claim 13 was objected to. In the interest of expediting prosecution, claim 13 has been amended. Accordingly, the outstanding objection should be resolved. Reconsideration and withdrawal of the outstanding objection are respectfully requested.

B. CLAIMS REJECTION UNDER 35 U.S.C. § 103 OF CLAIMS 1 AND 3, 4, AND 10

Claims 1, 3, 4, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0029286 to Gioquindo et al. (hereinafter *Gioquindo*) in view of U.S. Patent Publication No. 2003/0079067 to Schmidt (hereinafter *Schmidt*). Applicants respectfully traverse this rejection for at least the reasons discussed below.

Independent claim 1 recites, inter alia:

transferring the frame or packet from the adapter cache memory directly to a receive queue of each of the one or more partitions to which the frame or packet is to be sent.

Independent claim 10, which has its own scope, recites a generally similar feature.

Applicants respectfully submit that neither the cited passages of *Gioquindo* nor the cited passages of *Schmidt* disclose the above feature. Specifically, Applicants respectfully submit that secondary citation to *Schmidt* fails to remedy the conceded deficiency in the primary citation *Gioquindo*. Accordingly, without conceding its propriety, the proposed combination of *Gioquindo* and *Schmidt* is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The Office Action concedes that the primary citation to "Gioquindo et al. does not specifically disclose[] that a packet is transferred from [an] adapter cache memory directly to a receive queue of each of the one or more partitions to which the frame or packet is to be sent." Office Action, page 4. Nonetheless, the Office Action rejects independent claims 1 and 10 contending that the secondary citation to *Schmidt* provides this necessary disclosure. *Id.* This contention is respectfully traversed.

Schmidt relates to "providing a heuristics algorithm for calculating delays in the implementation of initiative passing in an input/output (I/O) operation without interrupt over-head." *Schmidt*, ¶ 5. *Schmidt*, however, does not appear to even so much as mention an "adapter cache", let alone disclosing transferring a frame or packet from an adapter cache memory directly to a receive queue of each of the one or more partitions to which the frame or packet is to be sent. Accordingly, Applicants respectfully submit that the proposed combination may not be properly relied upon for disclosing the transferring feature as expressly recited.

Applicants respectfully submit that for at least the above reasons, the Office Action fails to establish a prima facie

case of obviousness. Accordingly, favorable reconsideration and withdrawal of the §103 rejection are respectfully requested.

C. CLAIMS REJECTION UNDER 35 U.S.C. § 103 OF CLAIMS 2 AND 36

Claims 2 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gioquindo* in view of *Schmidt* and further in view of U.S. Patent No. 6,314,501 to Gulick et al. (hereinafter *Gulick*). Applicants respectfully traverse this rejection for at least the reasons discussed below.

Claims 2 and 36 depend directly or indirectly from claim 1. The rejection of claim 1 is traversed as set forth above. The cited passage of *Gulick* is not alleged to cure the deficiencies of *Gioquindo* and *Schmidt*. Therefore, it is respectfully submitted that claims 2 and 36 are also in condition for allowance.

D. CLAIM REJECTION UNDER 35 U.S.C. § 103 OF CLAIM 35

Claim 35 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gioquindo* in view of *Schmidt* and further in view of *Gulick*. Applicants respectfully traverse this rejection for at least the reasons discussed below.

Claim 35 depends directly from claim 1. The rejection of claim 1 is traversed as set forth above. The cited passage of *Gulick* is not alleged to cure the deficiencies of *Gioquindo* and *Schmidt*. Therefore, it is respectfully submitted that claim 35 is also in condition for allowance.

E. CLAIMS REJECTION UNDER 35 U.S.C. § 103 OF CLAIMS 6, 7, 37, AND 41

Claims 6, 7, 37, and 41 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Gioquindo* in view of *Gulick*.

Applicants respectfully traverse this rejection for at least the reasons discussed below.

Independent claim 6 recites, inter alia:

transferring the frame or packet
corresponding to the selected partition
from a transmit queue of the selected
partition directly to the adapter cache
memory[.]

Applicants respectfully submit that neither the cited passages of *Gioquindo* nor the cited passages of *Gulick* disclose the above feature. Specifically, Applicants respectfully submit that the primary citation to *Gioquindo* fails to disclose the claimed transferring operation. Accordingly, without conceding its propriety, the proposed combination of *Gioquindo* and *Gulick* is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The Office Action contends that *Gioquindo* discloses “transferring the frame or packet corresponding to the selected partition direction directly to the adaptor.” *Office Action*, page 9. This contention is respectfully traversed. The Office Action states “...transmitting the frame or packet from the adapter... to the LPAR...” However, this is in contrast to expressly recited “transferring... from... the... partition directly to the adaptor...” Accordingly, Applicants respectfully submit that *Gioquindo* cannot properly be relied upon for disclosing the above transferring operation. Applicants respectfully submit that the cited passages of *Gulick* fail to add anything that would remedy the deficiency in the reliance of *Gioquindo*. Accordingly, Applicants respectfully submit that the proposed combination may not be properly relied upon for disclosing the transferring feature as expressly recited.

Applicants respectfully submit that for at least the above reasons, the Office Action fails to establish a *prima facie* case of obviousness. Accordingly, withdrawal of the §103 rejection is respectfully requested.

F. CLAIMS REJECTION UNDER 35 U.S.C. § 103 OF CLAIMS 8 AND 9

Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gioquindo* in view of *Gulick*, and further in view of U.S. Patent No. 5,956,714 to Condon [hereinafter *Condon*]. Applicants respectfully traverse this rejection for at least the reasons discussed below.

Claims 8 and 9 depend directly or indirectly from claim 6. The rejection of claim 6 is traversed as set forth above. The cited passage of *Condon* is not alleged to cure the deficiencies of *Gioquindo* and *Gulick*. Therefore, it is respectfully submitted that claims 8 and 9 are also in condition for allowance.

G. CLAIM REJECTION UNDER 35 U.S.C. § 103 OF CLAIM 12

Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Gioquindo* in view of U.S. Patent Publication No. 2003/0023826 to McMichael et al. (hereinafter "*McMichael*"), and further in view of U.S. Patent Publication No. 2003/0236852 to Fernandes et al. [hereinafter *Fernandes*]. Applicants respectfully traverse this rejection for at least the reasons discussed below.

Independent claim 12 recites, *inter alia*:

allowing the new partition to directly share the adapter with one or more other partitions of the computer system.

Applicants respectfully submit that none of the cited passages of *Gioquindo*, *McMichael*, nor *Fernandes* disclose the

above feature. Specifically, Applicants respectfully submit that the tertiary citation to *Fernandez* fails to remedy the conceded deficiency in the primary and secondary citations to *Gioquindo* and *McMichael*. Accordingly, without conceding its propriety, the proposed combination of *Gioquindo*, *McMichael*, and *Fernandez* is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The Office Action concedes that the primary and secondary citations to *Gioquindo* and *McMichael* do “not specifically disclose *allowing the new partition to directly share the adapter with the other partitions.*” Office Action, page 14. Nonetheless, the Office Action rejects independent claim 12 contending that the tertiary citation to *Fernandes* provides this necessary disclosure. *Id.* This contention is respectfully traversed.

Initially, Applicants respectfully note that the rejection is improper in view of 37 CFR § 1.104(c)(2) in that no particular passage of *Fernandez* is cited for allegedly disclosing the above feature. For this reason alone, Applicants respectfully submit that the rejection is improper and should be withdrawn.

Moreover, Applicants respectfully submit that *Fernandez* fails to disclose the above feature. *Fernandez* relates to “a data processing system employing multiple, logical partitions that share a common hardware element such as a network adapter.” *Fernandez*, ¶ 2. *Fernandez* appears to not even mention a “new partition.” Accordingly, Applicants respectfully submit that the proposed combination cannot properly be relied upon for disclosing the allowing feature as expressly recited.

Applicants respectfully submit that for at least the above reasons, the Office Action fails to establish a *prima facie* case of obviousness. Accordingly, favorable reconsideration and withdrawal of the \$103 rejection are respectfully requested.

H. ALLOWABLE SUBJECT MATTER

Applicants acknowledge with appreciation that claims 5, 11, and 13-15 have been found to contain allowable subject matter. However, Applicants respectfully submit that independent claims 1, 10, and 12 are allowable as set forth herein. Accordingly, claims 5, 11, and 13-15 are believed to be allowable as is.

I. CONCLUSION

Since Applicants assert that all the independent claims are in condition for allowance and all remaining claims properly depend from the independent claims, Applicants assert that all claims are allowable.

Applicants do not believe a request for extension of time is required but if it is, please accept this paragraph as a request for an extension of time and authorization to charge the requisite extension fee to Deposit Account No. 04-1696. Applicants do not believe any additional fees are due regarding this amendment. However, if any additional fees are required, please charge Deposit Account No. 04-1696.

Respectfully Submitted,

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